UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

21876	7590	04/20/2009

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
CHEN, QING

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 04/20/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,916	11/18/2003	Greg Christopher JR.	07844-602001-P555	6410

TITLE OF INVENTION: SOFTWARE INSTALLATION VERIFICATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	07/20/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>

Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,916	11/18/2003	Greg Christopher JR.	07844-602001-P555	6410

TITLE OF INVENTION: SOFTWARE INSTALLATION VERIFICATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	07/20/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHEN, QING	2191	717-174000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1_____

2_____

3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,916	11/18/2003	Greg Christopher JR.	07844-602001-P555	6410

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 497 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 497 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/716,916	CHRISTOPHER, GREG
	Examiner	Art Unit	
	Qing Chen	2191	

*-- The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed on August 18, 2008*.

2. ☒ The allowed claim(s) is/are *1,5-10,14-23,25 and 28-32, renumbered as 1-23*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

1.   This Office action is in response to the amendment filed on August 18, 2008.

2.   **Claims 1, 5-10, 14-23, 25, and 28-32** are pending.

3.   **Claims 1, 10, 19, and 25** have been amended.

4.   **Claims 2-4, 11-13, 24, 26, and 27** have been canceled.

5.   **Claims 1, 5-10, 14-23, 25, and 28-32** are allowed, renumbered as 1-23.

6.   The 35 U.S.C. § 112, second paragraph, rejections of Claims 3 and 27 are withdrawn in

view of Applicant's cancellation of the claims.

Examiner's Amendment

7.   An Examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

        Authorization for this Examiner's amendment was given in a telephone interview with

William E. Hunter (Reg. No. 47,671) on April 10, 2009.

        The application has been amended as follows:

AMENDMENTS TO THE CLAIMS

Please cancel Claims 2, 12, and 26 and amend Claims 1, 10, 19, and 25 as follows:

1. (Currently Amended) A machine-implemented method comprising:

obtaining an install comparison of a current software installation to a target computer and an install comparison of a previous software installation to the same target computer in a series of two or more software installations during a software product development;

generating a software trend comparison ~~of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations during a software product development~~ of the current software installation install comparison with the previous software installation install comparison;

obtaining ~~creating~~ expected installation ~~data~~ results for a resource~~, based at least in part on the comparison, the resource~~ including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation;

comparing ~~identifying from~~ the expected installation ~~data~~ results with the software trend comparison to identify whether the dynamic attribute ~~that~~ was not changed in the current software installation and whether the static attribute was changed in the current software installation; and

presenting potential problems with the current software installation, based on results of the ~~identified dynamic attribute~~ comparing the expected installation results with the software trend comparison, to facilitate verification of an installer for the software product development.

2. (Canceled)

10. (Currently Amended) A software product tangibly embodied in a machine-readable storage device, the software product comprising instructions operable to cause one or more data processing apparatus to perform operations comprising:

obtaining an install comparison of a current software installation to a target computer and an install comparison of a previous software installation to the same target computer in a series of two or more software installations during a software product development;

generating a software trend comparison ~~of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations during a software product development~~ of the current software installation install comparison with the previous software installation install comparison;

obtaining ~~creating~~ expected installation ~~data~~ results for a resource~~, based at least in part on the comparison, the resource~~ including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation;

comparing ~~identifying from~~ the expected installation ~~data~~ results with the software trend comparison to identify whether the dynamic attribute ~~that~~ was not changed in the current software installation and whether the static attribute was changed in the current software installation; and

presenting potential problems with the current software installation, based on <u>results of</u> the ~~identified dynamic attribute~~ <u>comparing the expected installation results with the software</u> <u>trend comparison,</u> to facilitate verification of an installer for the software product development.

12. (Canceled)

19. (Currently Amended) A system comprising:

a build controller;

an install controller comprising a database including a baseline recording expectations of a dynamic attribute and a static attribute for one or more resources associated with a software installer, the dynamic attribute is an attribute that should have changed between a previous software installation and a current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation; and

one or more install slave machines;

wherein the build controller automatically triggers the install controller to initiate installer tests as part of a software build process, and the install controller automatically dispatches installation to the one or more install slave machines and collects test results to be presented in a report comprising a baseline-update interface<u>;</u>

<u>wherein the test results comprise a potential problem with the current software</u> <u>installation identified based on a comparison of the expectations with a software trend</u> <u>comparison that compares an install comparison of the current software installation with an</u>

install comparison of the previous software installation in a series of two or more software

installations during a software product development to identify whether the dynamic attribute

was not changed in the current software installation and whether the static attribute was changed

in the current software installation.

        25. (Currently Amended) A system comprising:

        a user interface device; and

        one or more computers operable to interact with the user interface device and to perform

operations comprising:

        obtaining an install comparison of a current software installation to a target computer and

an install comparison of a previous software installation to the same target computer in a series

of two or more software installations during a software product development;

        generating a software trend comparison ~~of a current software installation, to a target~~

~~computer, with a previous software installation, to the same target computer, in a series of two or~~

~~more software installations during a software product development~~ of the current software

installation install comparison with the previous software installation install comparison;

        obtaining ~~creating~~ expected installation ~~data~~ results for a resource~~, based at least in part~~

~~on the comparison, the resource~~ including attributes including a dynamic attribute and a static

attribute, the dynamic attribute is an attribute that should have changed between the previous

software installation and the current software installation, the static attribute is an attribute that

should remain unchanged between the previous software installation and the current software

installation;

comparing ~~identifying from~~ the <u>expected</u> installation ~~data~~ <u>results with the software trend</u> <u>comparison to identify whether</u> the dynamic attribute ~~that~~ was not changed in the current software installation <u>and whether the static attribute was changed in the current software</u> <u>installation</u>; and

presenting potential problems with the current software installation, based on <u>results of</u> the ~~identified dynamic attribute~~ <u>comparing the expected installation results with the software</u> <u>trend comparison,</u> to facilitate verification of an installer for the software product development.

26. (Canceled)

-- END OF AMENDMENT --

Reasons for Allowance

8.   The following is an Examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, "generating a software trend comparison of the current software installation install comparison with the previous software installation install comparison; obtaining expected installation results for a resource including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation; comparing the expected installation results with the

software trend comparison to identify whether the dynamic attribute was not changed in the

current software installation and whether the static attribute was changed in the current software

installation" as recited in independent Claims 1, 10, and 25; and further fail to teach, in

combination with the other claimed limitations, "an install controller comprising a database

including a baseline recording expectations of a dynamic attribute and a static attribute for one or

more resources associated with a software installer, the dynamic attribute is an attribute that

should have changed between a previous software installation and a current software installation,

the static attribute is an attribute that should remain unchanged between the previous software

installation and the current software installation" and "wherein the test results comprise a

potential problem with the current software installation identified based on a comparison of the

expectations with a software trend comparison that compares an install comparison of the current

software installation with an install comparison of the previous software installation in a series of

two or more software installations during a software product development to identify whether the

dynamic attribute was not changed in the current software installation and whether the static

attribute was changed in the current software installation" as recited in independent Claim 19.

The closest cited prior art, the combination of US 6,738,970 (hereinafter "Kruger") and

US 6,560,776 (hereinafter "Breggin"), teaches a method and an apparatus that identifies changes

made to a computer system caused by the installation of software. However, the combination of

Kruger and Breggin fails to teach "generating a software trend comparison of the current

software installation install comparison with the previous software installation install

comparison; obtaining expected installation results for a resource including attributes including a

dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have

changed between the previous software installation and the current software installation, the

static attribute is an attribute that should remain unchanged between the previous software

installation and the current software installation; comparing the expected installation results with

the software trend comparison to identify whether the dynamic attribute was not changed in the

current software installation and whether the static attribute was changed in the current software

installation" as recited in independent Claims 1, 10, and 25; and further fails to teach "an install

controller comprising a database including a baseline recording expectations of a dynamic

attribute and a static attribute for one or more resources associated with a software installer, the

dynamic attribute is an attribute that should have changed between a previous software

installation and a current software installation, the static attribute is an attribute that should

remain unchanged between the previous software installation and the current software

installation" and "wherein the test results comprise a potential problem with the current software

installation identified based on a comparison of the expectations with a software trend

comparison that compares an install comparison of the current software installation with an

install comparison of the previous software installation in a series of two or more software

installations during a software product development to identify whether the dynamic attribute

was not changed in the current software installation and whether the static attribute was changed

in the current software installation" as recited in independent Claim 19.

Any comments considered necessary by Applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure.

10.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

        If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Q. C./

Examiner, Art Unit 2191

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191